

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1997

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

LD 1644

An Act to Give the Director of the Bureau of Labor Standards Rule-making Authority for All Wage and Hour and Other Related Laws That the Bureau of Labor Standards Is Charged with Enforcing

PUBLIC 377

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R CATHCART	OTP	

LD 1644 proposed to allow the Director of the Bureau of Labor Standards to adopt rules regarding any labor laws under the bureau's jurisdiction where that authority is not specifically granted to a board or commission.

Enacted law summary

Public Law 1997, chapter 377 allows the Director of the Bureau of Labor Standards to adopt rules regarding any labor laws under the bureau's jurisdiction where that authority is not specifically granted to a board or commission.

LD 1654

An Act to Extend Collective Bargaining Rights to Employees of Large Industrial Agricultural Operations

PUBLIC 472

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON	OPT-AM MAJ ONTP MIN	H-550 H-740 HATCH

LD 1654 proposed to give employees of certain agricultural employers the right to bargain collectively and specified the parties' mutual obligation to bargain. The bill proposed procedures for determining bargaining units and bargaining agents, including procedures for appeal of such determinations. The bill proposed to prohibit specified acts of agricultural employers and agricultural labor organizations and provided for enforcement of those prohibitions by the Maine Labor Relations Board and subsequently through civil action in Superior Court.

Committee Amendment "A" (H-550) proposed to change the definition of agricultural employee in the bill to include supervisors and exclude managers and confidential employees. The amendment also proposed to clarify that only those employees within the definition of agricultural employee are counted to determine if an employer is subject to the Agricultural Employees Labor Relations Act by employing at least 75 employees for 180 days. The amendment proposed to clarify that the period during which a party may question the unit or representation status relates to the anniversary date of the contract if the agreement contains no expiration date.

House Amendment "B" to Committee Amendment "A" (H-740) proposed to change the bill title and limit the application of the bill to egg processing facilities that have over 500,000 laying birds and that employ more than 100 agricultural employees. This amendment would prohibit agricultural employers governed by the bill from locking out their employees and prohibits their employees from striking.

Enacted law summary

Public Law 1997, chapter 472 gives employees of certain agricultural employers the right to bargain collectively and specifies the parties' mutual obligation to bargain. The law establishes procedures for determining bargaining units

and bargaining agents, including procedures for appeal of such determinations. The law prohibits specified acts of agricultural employers and agricultural labor organizations and provides for enforcement of those prohibitions by the Maine Labor Relations Board and subsequently through civil action in Superior Court. Among other things, the law prohibits agricultural employers from locking out their employees and prohibits their employees from striking. The rights and obligations established by this chapter only apply to egg processing facilities that have over 500,000 laying birds and that employ more than 100 agricultural employees.

LD 1661 **An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security** **CARRIED OVER**

Sponsor(s)
BENOIT

Committee Report

Amendments Adopted

LD 1661 was jointly referred to the Labor Committee and the Taxation Committee. The bill proposes to implement the recommendations of the Blue Ribbon Commission on Hunger and Food Security by making the following changes in state law.

1. It proposes to set the state minimum wage at 25¢ more than the federal minimum wage and establish an out-of-poverty wage for state employees and state contractors equal to the amount necessary to produce an income equal to the federal poverty guideline for a family of three.
2. It proposes a state earned income tax credit equal to 25% of the federal earned income tax credit and provides that persons not required to file for federal income tax purposes are not required to file for state income tax purposes and are not required to pay state income tax.
3. It proposes to reestablish state participation in extended unemployment benefits and provides that failure of child care or transportation arrangements necessary for work are not grounds for denying unemployment benefits.
4. The bill maintains transitional child care benefits at a minimum of the level for fiscal year 1996-97.
5. The Department of Human Services is required to apply for a federal waiver to permit Medicaid coverage to families up to 185% of federal poverty guidelines.
6. It proposes to require a school to participate in the school breakfast program if at least 35% of the students are eligible for free or reduced-price meals.
7. It proposes food security motor vehicle registration plates with revenues distributed to the Maine Food Security Fund and creates a voluntary food security income tax checkoff.
8. The bill proposes to establish the Office of Food Security within the Department of Human Services to coordinate and monitor food assistance programs and administer a food security outreach program and the Maine Food Security Fund.
9. It proposes the Maine Millenium Commission on Hunger and Food Security to evaluate the actions taken under the recommendation of the Blue Ribbon Commission on Hunger and Food Security and investigate the condition of the State with regard to hunger and food security. The proposed commission will conduct its review in the years 2000